

United States District Court

DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.

EFRAIN MEJIA-FLORES

Criminal Complaint

CASE NUMBER: 08-47-M

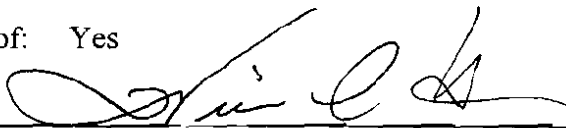
I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about February 25, 2008 in New Castle County, in the District of Delaware, defendant:

a citizen and national of Mexico, was found in the United States and was previously removed by the INS to Mexico on July 26, 2004; August 02, 2004; October 09, 2004; October 24, 2004; December 30, 2004; January 26, 2005; May 28, 2005; June 05, 2005 and January 06, 2006, and prior to his reembarkation at a place outside the United States, the United States Attorney General had not expressly consented to such alien's reapplying for admission, in violation of Title 8, United States Code, 1326(a) and 1326(b)(1).

I further state that I am a(n) Special Agent, ICE and that this complaint is based  
Official Title  
on the following facts:

See attached Affidavit

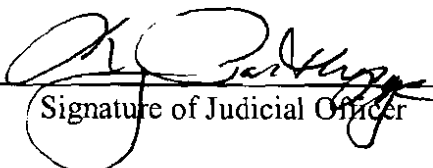
Continued on the attached sheet and made a part hereof: Yes

  
\_\_\_\_\_  
Signature of Complainant  
William O. Horn  
Special Agent, ICE

Sworn to before me and subscribed in my presence,

February 27, 2008 at Wilmington, DE  
Date City and State

Honorable Mary Pat Thyng  
United States Magistrate Judge  
Name & Title of Judicial Officer

  
\_\_\_\_\_  
Signature of Judicial Officer

**AFFIDAVIT**

I, William O. Horn, being duly sworn, depose and say:

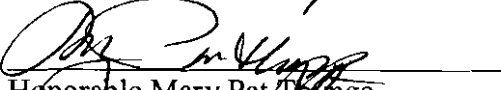
1. I am a Special Agent with the United States Department of Homeland Security, Immigration & Customs Enforcement (ICE), Wilmington, Delaware. I have been employed as a Special Agent since October 1, 1997, when I was employed by the INS. The INS was transferred to the U.S. Department of Homeland Security, as a component of Immigration & Customs Enforcement, in March, 2003.
2. This investigation is based on information provided by State of Delaware government agencies, INS/ICE records, and my own observations and interviews.
3. On or about February 25, 2008, ICE Wilmington received notification from the New Castle County Police Department that an individual they had in custody within the District of Delaware was an illegal alien. A fingerprint check revealed that the individual was Efraín RODRIGUEZ, FBI number 732586WB9. The individual told the Police that his true name was Efraín MEJÍA-Flores.
4. On February 25 and 26, 2008, your affiant reviewed ICE and other law enforcement databases and records, which showed that FBI number 732586WB9 related to Efraín MEJÍA-Flores, and that Efraín RODRÍGUEZ is one of several aliases for Efraín MEJÍA-Flores. Those record checks also showed that MEJÍA had been removed from the United States on at least nine separate occasions – including July 26, 2004; August 02, 2004; October 09, 2004; October 24, 2004; December 30, 2004; January 26, 2005; May 28, 2005; June 05, 2005 and January 06, 2006 – and that he had been convicted once of Illegal Reentry after Removal and twice of Illegal Entry into the United States.
5. On or about February 26, 2008, your affiant interviewed Efraín MEJÍA under oath at the offices of US Customs and Border Protection, in New Castle, DE. In that statement, MEJÍA admitted having been removed from the United States on 10 occasions. He stated that he had never sought permission to reapply for admission to the United States, because he thought that such a request would not be approved.
6. Your affiant has reviewed the alien file relating to Efraín MEJÍA and found no evidence of any filings for permission to reapply for admission to the United States subsequent to removal.

WHEREFORE, your affiant avers there is probable cause to believe that Efraín MEJÍA-Flores, aka Efraín RODRÍGUEZ, a citizen and national of Mexico, was found in the United States and was previously removed by the INS to Mexico on July 26, 2004; August 02, 2004; October 09, 2004; October 24, 2004; December 30, 2004; January 26, 2005; May 28, 2005; June 05, 2005 and January 06, 2006, and prior to his reembarkation at a place outside the United States, the United States Attorney General had not expressly consented to such alien's reapplying for admission, in violation of Title 8, United States Code, 1326(a) and 1326(b)(1).



William O. Horn  
Special Agent  
U.S. Immigration & Customs Enforcement

Sworn to and subscribed in my presence  
this 27 day of February 2008



Honorable Mary Pat Dring  
United States Magistrate Judge  
District of Delaware